

302 Service Provision

Rule Requirement	Does agency have a policy?	Participant record	Participant record	Participant record	Participant record	
	Y-N-N/A	Y-N-N/A	Y-N-N/A	Y-N-N/A	Y-N-N/A	
Participant Name>>>						
16.04.17.302.01. Admission Procedures. The following criteria must apply to all participants receiving services from a residential habilitation agency: (3-20-04) 16.04.17.302.01.a. Agreement to serve each participant must be based on a recommendation of a person-centered planning process conducted by the participant's person-centered planning team, including his service coordinator. (3-20-04)						16.04.17.302.01.a
16.04.17.302.01.b. The agency must obtain authorization from the Department for reimbursement for each Medicaid-covered eligible waiver service prior to providing residential habilitation services in accordance with IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Sections 507 through 515 (3-20-04)						16.04.17.302.01.b
16.04.17.302.02. Implementation Plan. Each participant must have an implementation plan that includes <u>goals and objectives specific to his plan of service</u> residential habilitation program. (3-20-04)						16.04.17.302.02
16.04.17.302.03. Periodic Review. Review of services and participant satisfaction must be conducted at <u>least quarterly</u> or more often if required by the participant's condition or program. (3-20-04)						16.04.17.302.03
16.04.17.302.04. Medication Standards. The agency must maintain a policy describing the program's system for handling participant medications which is in compliance with the IDAPA 23.01.01, "Rules of the Board of Nursing." (3-20-04)						16.04.17.302.04
16.04.17.302.05. Provider Status Review. Residential Habilitation agencies must submit semiannual and annual status reviews reflecting the status of						16.04.17.302.05

behavioral objectives or services identified on the plan of service to the plan monitor. Semiannual status reviews must remain in participant file and annual status reviews must be attached to annual plan of service. (3-20-04)						
16.04.17.302.06. Termination Procedures. The agency must terminate residential habilitation services if, as a result of a person-centered planning process conducted by the person-centered planning team, it is demonstrated that the participant is no longer in need of or desires Residential Habilitation services. The agency must notify the client in writing that the termination of services will occur and must develop a transition plan for termination of those services. The participant will be entitled to appeal the termination. The agency may not terminate services when to do so would pose a threat of endangerment to the participant or others. (3-20-04)						16.04.17.302.06

400 Participant Records

Rule Requirement	Does agency have a policy?	Participant record	Participant record	Participant record	Participant record	
	Y-N-N/A	Y-N-N/A	Y-N-N/A	Y-N-N/A	Y-N-N/A	
Participant Name>>>						
16.04.17.400.01. Participant Records. Each agency must <u>have and maintain a written policy</u> outlining the required content of participant records, criteria for completeness, and methodology to be used to ensure <u>current and accurate records</u> . An individual record must be maintained for each participant and retained for a period of three (3) years following the participant's termination of services. All entries made into a participant record must be <u>dated and signed in ink</u> . (3-20-04)						16.04.17.400.01
16.04.17.400.02. Required Information. Records must include at least the following information: (3-20-04) 16.04.17.400.02.a. Name, address and current phone						16.04.17.400.02.a

number of the participant. (3-20-04)						
16.04.17.400.02.b. Social Security and Medicaid ID numbers. (7-1-95)						16.04.17.400.02.b
16.04.17.400.02.c. Gender and marital status. (3-20-04)						16.04.17.400.02.c
16.04.17.400.02.d. Date of birth. (7-1-95)						16.04.17.400.02.d
16.04.17.400.02.e. Names, addresses, and current phone numbers of family, advocates, friends, and persons to be contacted in case of an emergency. (3-20-04)						16.04.17.400.02.e
16.04.17.400.02.f. Physician, dentist, and other health care providers. (7-1-95)						16.04.17.400.02.f
16.04.17.400.02.g. A list of medications, diet, and all other treatments prescribed for the participant. (3-20-04)						16.04.17.400.02.g
16.04.17.400.02.h. Results of a history and physical when necessary. (7-1-95)						16.04.17.400.02.h
16.04.17.400.02.i. Results of an age appropriate functional assessment, and person centered plan. (7-1-95)						16.04.17.400.02.i
16.04.17.400.02.j. Psychosocial information. (7-1-95)						16.04.17.400.02.j
16.04.17.400.02.k. Habilitation program, including documentation of planning, continuous evaluation, and participant satisfaction with the program. (3-20-04)						16.04.17.400.02.k
16.04.17.400.02.l. Record of significant incidents, accidents, illnesses, and treatments. (7-1-95)						16.04.17.400.02.l
16.04.17.400.02.m. Daily medication log when applicable. (7-1-95)						16.04.17.400.02.m
16.04.17.400.02.n. Daily record of the date, time, duration, and type of service provided. (7-1-95)						16.04.17.400.02.n
16.04.17.400.02.o. The plan of service including implementation plans maintained by the agency and data-based progress notes. (3-20-04)						16.04.17.400.02.o

402 Participant Rights

Rule Requirement	Does agency have a policy?	Participant record	Participant record	Participant record	Participant record	
	Y-N-N/A	Y-N-N/A	Y-N-N/A	Y-N-N/A	Y-N-N/A	
Participant Name>>>						
16.04.17.402.01. Responsibilities. Each residential habilitation agency must develop and implement a written policy outlining the personal, civil, and human rights of all participants. The policy protects and promotes the rights of each participant and includes the following: (3-20-04)						
16.04.17.402.01.a. Inform each participant, or legal guardian, of the participant's rights and the rules of the agency; (3-20-04)						16.04.17.402.01.a.
16.04.17.402.01.b. Allow and encourage individual participants to exercise their rights as participants of the agency, and as citizens of the United States, including the right to file complaints, and the right to due process; (3-20-04)						16.04.17.402.01.b
16.04.17.402.01.c. Inform each participant, or legal guardian, of the services to be received, the expected benefits and attendant risks of receiving those services, and of the right to refuse services, and alternative forms of services available; (3-20-04)						16.04.17.402.01.c
16.04.17.402.01.d. Provide each participant with the opportunity for personal privacy and ensure privacy during provision of services; (3-20-04)						16.04.17.402.01.d
16.04.17.402.01.e. Ensure that participants are not compelled to perform services for the agency, its employees, or contractors and ensure that participants who do work for the agency, its employees, or contractors, are compensated for their efforts at prevailing wages and commensurate with their abilities; (3-29-12)						16.04.17.402.01.e
16.04.17.402.01.f. Ensure that participants have access						16.04.17.402.01.f

to telephones, if living in a place other than their own home or the home of their family, with privacy for incoming and outgoing local and long distance calls except as contraindicated by factors identified within their plans of service; and (3-20-04)						
16.04.17.402.01.g. Ensure that participants have the opportunity to participate in social, religious, and community group activities. (3-20-04)						16.04.17.402.01.g

403 Participant Finances

Rule Requirement	Does agency have a policy?	Participant record	Participant record	Participant record	Participant record	
	Y-N-N/A	Y-N-N/A	Y-N-N/A	Y-N-N/A	Y-N-N/A	
Participant Name>>>						
<u><i>If the agency does not assist with finances for this individual, put N/A and move to the next section>>></i></u>						
When the residential habilitation agency or its employees or contractors are designated as the payee on behalf of the participants, the agency must establish and maintain an accounting system that: (3-29-12) 16.04.17.403.01. Participant's Personal Finance Records. Assures a full and complete accounting of participants' personal funds entrusted to the agency, its employees, or contractors on behalf of participants. Records of financial transactions must be sufficient to allow a thorough audit of the participant's funds. (3-29-12)						16.04.17.403.01
16.04.17.403.02. No Commingling of Funds. Precludes any commingling of participant funds with agency funds. (3-20-04)						16.04.17.403.02
16.04.17.403.03. Availability of Funds. Ensures that the participant's financial records must be available on request to the participant, participant's legal guardian or advocate. (3-20-04)						16.04.17.403.03

404 Communication with Participants, Parents, Legal Guardians, and Others

Rule Requirement	Does agency have a policy?	Participant record	Participant record	Participant record	Participant record	
	Y-N-N/A	Y-N-N/A	Y-N-N/A	Y-N-N/A	Y-N-N/A	
Participant name>>>						
The residential habilitation agency must promote participation of participants, legal guardians, relatives and friends in the process of providing services to a participant unless their participation is unobtainable or inappropriate as prescribed by the plan of service; and (3-20-04)						
16.04.17.404.01. Reciprocal Communication. Answer communications from participant's families and friends promptly and appropriately; and (3-20-04)						16.04.17.404.01
16.04.17.404.02. Promotion of Visits and Activities. Promote frequent and informal opportunities for visits, trips or vacations; and (7-1-95)						16.04.17.404.02
16.04.17.404.03. <u>Notification of Guardian of Participant's Condition</u> . Notify the participant's legal guardian within <u>twenty-four (24) hours</u> , if one exists, of any significant incidents, or changes in participant's condition including serious illness, accident, death, or abuse. (3-29-12)						16.04.17.404.03
16.04.17.404.04. Notification to Department of a Participant's Condition. Through a Department approved process, the agency must <u>notify the Department within twenty-four (24) hours of any significant incidents affecting health and safety or changes in a participant's condition</u> , including <u>serious illness, accident, death, emergency medical care, hospitalization, adult protective services contact and investigation</u> , or if the <u>participant is arrested, contacted by, or under investigation by law enforcement, or involved in any legal proceedings</u> . The events and the agency response to the events must be documented in the participant file. (3-29-12)						16.04.17.404.04

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	Y-N-N/A	Y-N-N/A	Y-N-N/A	Y-N-N/A	Y-N-N/A	
Participant name & Number>>>						
The residential habilitation agency must <u>develop and implement written policies and procedures</u> including definitions that prohibit mistreatment, neglect or abuse of the participant to include at least the following: (3-20-04)						
16.04.17.405.01. Interventions. Positive behavior interventions must be used prior to and in conjunction with, the implementation of any restrictive intervention. (3-20-04)						
16.04.17.405.02. No Abuse. Employees or contractors of the agency must not use physical, verbal, sexual, or psychological abuse or punishment. (3-29-12)						16.04.17.405.02
16.04.17.405.03. No Punishment. Employees or contractors of the agency must not withhold food or hydration that contributes to a nutritionally adequate diet. (3-29-12)						16.04.17.405.03
16.04.17.405.04. Reporting Violations. Any agency employee or contractor must report immediately report all allegations of mistreatment, abuse, neglect, injuries of unknown origin, or exploitation to the administrator and to adult protection workers and law enforcement officials, as required by law under Section 39-5303, Idaho Code, or to the Idaho Commission on Aging, IDAPA 15.01.03, "Rules Governing Ombudsman for the Elderly Program," or the designated state protection and advocacy system for persons with developmental disabilities when applicable. (3-29-12)						16.04.17.405.04
16.04.17.405.05. Providing Evidence of Violation. Agencies must provide evidence that all alleged violations are thoroughly investigated and must protect the participant from the possibility of abuse while the investigation is in progress. (3-20-04)						16.04.17.405.05

16.04.17.405.06. Reporting Results of Investigations. Results of all investigations must be reported to the administrator or designee and to other officials in accordance with state law, and, if the alleged violation is verified, appropriate corrective action must be taken. (3-20-04)						16.04.17.405.06
16.04.17.405.07. Proper Treatment of Participants. Participants must be treated with dignity and respect and their personal choices and preferences are respected and honored whenever possible and consistent with their well-being and their plan of service. (3-20-04)						16.04.17.405.07
16.04.17.405.08. Use of Restraint on Participants. No restraints, other than physical restraint in an emergency, must be used on participants prior to the use of positive behavior interventions. The following requirements apply to the use of restraint on participants: (3-20-04)						16.04.17.405.08
16.04.17.405.08.a. Chemical restraint. Employees or contractors of the agency must not use chemical restraint unless authorized by an attending physician. (3-29-12)						16.04.17.405.08.a
16.04.17.405.08.b. Mechanical restraint. (7-1-95) 16.04.17.405.08.b.i. Mechanical restraint may be used for medical purposes when authorized by an attending physician. (7-1-95)						16.04.17.405.08.b.i
16.04.17.405.08.b.ii. Mechanical restraint for non-medical purposes may be used only when a written behavior change plan is developed by the participant, his service coordinator, his team, and a QMRP or a behavior consultant/crisis management provider as qualified in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Sections 700 through 706. Informed participant consent is required. (3-20-04)						16.04.17.405.08.b.ii
16.04.17.405.08.c. Physical restraint. (7-1-95) 16.04.17.405.08.c.i. Physical restraint may be used in an isolated emergency to prevent injury to the participant or others and must be documented in the						16.04.17.405.08.c.i

participant's record. (3-20-04)						
16.04.17.405.08.c.ii. Physical restraint may be used in a non-emergency setting when a written behavior change plan is developed by the participant, his service coordinator, his team, and a QMRP or a behavior consultant/crisis management provider as qualified in IDAPA 16.0310, "Medicaid Enhanced Plan Benefits," Sections 700 through 706. Informed participant consent is required. (3-20-04)						16.04.17.405.08.c.ii
16.04.17.405.08.d. Seclusionary Time Out. Seclusionary time out may be used only when a written behavior change plan is developed by the participant, his service coordinator his team, and a QMRP or a behavior consultant/crisis management consultant as qualified in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Sections 700 through 706. Informed participant consent is required. (3-20-04)						16.04.17.405.08.d